

Article - Public Utilities

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§12-309.

(a) On presentation of the petition and the certificate of sufficiency from the clerk under § 12-308 of this subtitle, the legislative body of the county or municipal corporation may adopt a resolution that declares its intent to:

(1) order the conversion described in the petition; and

(2) enter into an agreement with a public agency or public utility that provides for plans and specifications, contributions of labor, materials, or money, and payment for any work, improvement, or service proposed under the petition.

(b) In addition to a general description of the proposed conversion and the proposed conversion district, the resolution of intent shall contain a notice that states the date, hour, and place at which a person with an objection to the proposed conversion may appear at a public hearing before the legislative body, or its designated committee, and show cause why the proposed conversion should not be carried out in accordance with the resolution of intent and why a resolution ordering the conversion should not be adopted.

(c) The public hearing required by subsection (b) of this section shall be held not less than 15 days and not more than 60 days after the date the resolution of intent is adopted.

(d) (1) A legislative body, or its designated committee, need not provide notice and a public hearing under this section if, when considering the adoption of a resolution of intent, the legislative body finds and determines by four-fifths vote that, on or before the fifth day before the day that the resolution of intent will be considered for adoption, all of the landowners, or their agents, within the proposed conversion district to be assessed have signed and filed a petition with the clerk of the legislative body waiving their right to a public hearing.

(2) A petition filed under paragraph (1) of this subsection shall include:

(i) a statement that, to the extent of the proposed conversion district to be assessed, the landowners do not object to the proposed conversion, or to an agreement proposed to be made under § 12-311 of this subtitle, and do not have any other objection; and

(ii) a request that the legislative body, or its designated committee, not hold a public hearing.

(e) (1) During the 15 days after the public hearing, if held, landowners within the proposed conversion district may certify the withdrawal of their names from the petition for conversion.

(2) A petition for conversion shall be considered withdrawn if the number of landowners certifying their withdrawal is such that the remaining signatures of landowners on the petition constitute less than 50% of the total assessed value within the proposed conversion district.

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